

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

UNITED STATES OF AMERICA,	:	
	:	
Plaintiff,	:	CASE NO. 2:20-cr-62
	:	
vs.	:	JUDGE MORRISON
	:	
STEVEN G. ROSSER and	:	
WHITNEY R. LANCASTER,	:	
Defendants.	:	

JOINT UNOPPOSED MOTION TO CONTINUE AND EXTEND TIME TO FILE

Defendants Steven Rosser and Whitney Lancaster, by and through their counsel, respectfully move this Court for an extension of time to file pretrial motions and to continue the final pretrial conference scheduled for March 1, 2021 at 2:00 p.m. and the jury trial scheduled for March 8, 2021 at 9:00 a.m. Counsel for the United States are unopposed to Defendants' Joint Motion. The reasons in support of this Motion are set forth in the following Memorandum.

Respectfully submitted,
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MEMORANDUM

Defendants Steven Rosser and Whitney Lancaster (collectively, “Defendants”) were indicted by a federal Grand Jury on March 25, 2020. Defendant Steven Rosser is charged in Count One with Conspiracy to Violate Another Person’s Civil Rights in violation of 18 USC § 241. Defendants are charged in Count Two with Conspiracy to Violate Another Person’s Civil Rights in violation of 18 USC § 241 and in Count Three with Conspiracy to Commit Wire Fraud in violation of 18 USC § 1349. Count One encompasses allegations of a criminal conspiracy that purportedly continued over the span of five years. Count Two encompasses allegations of a criminal conspiracy that purportedly continued over the span of at least two years and Count Three encompasses allegations of a criminal conspiracy that purportedly continued over the span of approximately four months in 2018. (Doc. 5).

This case is currently scheduled for a final pre-trial conference on March 1, 2021 at 2:00 p.m. and a jury trial on March 8, 2021 at 9:00 a.m. Further, the pre-trial motion cut-off date is currently February 3, 2021. (Doc. 28). The Government’s initial and supplemental discovery productions to defense counsel are voluminous. To date, the Government has provided defense counsel with just shy of one terabyte of discovery. The discovery consists of 232,880 files. The file types are diverse and include documents, cell phone extractions, GPS information from

cellular devices, witness statements, audio and video recordings, photographs, and spreadsheets. Defense counsel have been diligently reviewing the discovery materials.

Defendants recognize the requirements of the Speedy Trial Act of 1974, as set forth in 18 USC § 3161, *et seq.* Defendants submit that this Motion to Continue and Extend Time to File is not made for the purpose of delaying a speedy resolution of this case, but rather it is required by the need for defense counsel to have time to review all of the discovery materials and provide effective representation for each Defendant.

Defendants further submit the factors set forth in 18 USC § 3161 (h)(7)(B)(i) and (B)(iv) are present in this case. Due to the short period of time between the arraignment, the receipt of voluminous discovery initially produced by the Government, the anticipated supplemental production of further discovery by the Government, and the scheduled trial date, defense counsel believe and assert that failure to grant the requested continuance “. . . would be likely to . . . result in a miscarriage of justice.” 18 USC § 3161(h)(7)(B)(i).

Defense counsel have exercised, and will continue to exercise, due diligence in the preparation of this case, but in light of the complexity of the prosecution and the voluminous discovery documents, the current trial schedule would hinder defense counsels’ ability to effectively prepare for trial. 18 USC § 3161(h)(7)(B)(iv). The Government, represented by AUSA Kevin Kelley and AUSA Noah Litton are unopposed to this request. Accordingly, the Joint Motion to Continue and Extend Time to File is justified under 18 USC § 3161(h)(7)(B)(i) and (B)(iv).

Additionally, counsel for all parties are in agreement that having certainty in a trial date will help ensure all counsel are prepared and have their witnesses available to testify. The COVID-19 pandemic complicates logistical matters for all parties in preparing for trial. Further,

counsel for all parties are aware of the scheduling backlog that the pandemic has created for this Court as well as all counsel. The Court's General Order No. 21-04, dated January 29, 2021, amended General Order No. 20-36, as amended by General Order 21-02, to extend the limitations on in-Court proceedings, including criminal jury trials¹, until February 28, 2021.

It is respectfully requested this Court continue the final pre-trial conference and jury trial currently set in this case, as well as extend the time to file pre-trial motions. The parties respectfully request a continuance to mid-to-late summer 2021.

Respectfully submitted,
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¹ While General Order 20-36 does provide limited exceptions to the general rule for criminal defendants who are in custody if certain determinations are made, the Defendants in this matter are not in custody and these limited exceptions are not applicable.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing was filed with the Clerk of Court for the United States District Court for the Southern District of Ohio using the CM/ECF system, which will send notification of such filing to the following on February 12, 2021, by electronic mail:

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